

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACY E. PALMEN,)
Plaintiff,)
v.) C.A. No. 05-166-SLR
DAVID WENDKOS and DAVID)
STACY OF DELAWARE, INC.,)
t/a CASTLE DEALERSHIPS,)
Defendants.)

**MOTION OF DEFENDANT, DAVID WENDKOS,
TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant, David Wendkos, by his undersigned counsel, moves to dismiss the Complaint of Plaintiff, Tracy Palmen, with prejudice. In support of Defendant's Motion, the Court is respectfully referred to the accompanying memorandum of law.

Respectfully submitted,

FOX ROTHSCHILD LLP

/s/ Jeffrey M. Weiner, Esquire #403
JEFFREY M. WEINER, ESQUIRE #403
919 North Market Street, Suite 1300
P.O. Box 2323
Wilmington, DE 19899-2323
(302) 654-7444
Counsel for Defendants

Date: April 26 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACY E. PALMEN,)
Plaintiff,)
v.) C.A. No. 05-166-SLR
DAVID WENDKOS and DAVID)
STACY OF DELAWARE, INC.,)
t/a CASTLE DEALERSHIPS,)
Defendants.)

ORDER

AND NOW, this day of , 2005, upon consideration of the Motion
of Defendant, David Wendkos, to Dismiss Plaintiff's Complaint, and any response
thereto, it is hereby ORDERED that Plaintiff's Complaint is dismissed as to Defendant,
David Wendkos, in its entirety with prejudice.

BY THE COURT:

Sue L. Robinson, Chief Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACY E. PALMEN,)
Plaintiff,)
v.) C.A. No. 05-166-SLR
DAVID WENDKOS and DAVID)
STACY OF DELAWARE, INC.,)
t/a CASTLE DEALERSHIPS,)
Defendants.)

CERTIFICATE OF SERVICE

I, Jeffrey M. Weiner, hereby certify that a true and correct copy of the foregoing Motion to Dismiss of Defendant, David Wendkos, was E-served upon the following counsel of record, this date:

Charles M. Oberly, Esquire
Oberly, Jennings & Rhodunda, P.A.
800 Delaware Avenue, Suite 901
P.O. Box 2054
Wilmington, DE 19899
Attorneys for Plaintiff, Tracy Palmen

/s/ JEFFREY M. WEINER, ESQUIRE #403
JEFFREY M. WEINER, ESQUIRE #403

Dated: April 26, 2005